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Governor

GREG BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

KENT L. JONES
State Engineer/Division Director

Little bit of Heaven

c/o Rusty Atkin

PO BOX 1684

Cedar City, UT 84721

July 28, 2011

RE: SEAA 1323: Measuring Device and Control Structure

Dear Rusty:

On October 7, 2008 Division of Water Rights Staff, along with the East Fork of the Virgin River, Water Commissioner Gerry Hoyt, conducted an inspection of your diversion and measuring system. This inspection indicated that the water measurement facilities in place at the time of the inspection were not adequate for proper water regulation and distribution by the water commissioner. At that time improvements were discussed with you at the diversion site. Subsequent inspections on July 21, 2009, and a follow up SEAA 1323 were issued (copy attached). My inspection on July 12, 2011 indicated that the required improvements as required by Division of Water Rights remain incomplete. The most recent inspection indicates only a slight amount of hand shovel work was done near the Parshall Flume and the wood and a tarp used to cover a culvert is not considered adequate in meeting the requirements for a substantial diversion structure, control headgate, and measuring device. Since the work required is now near two years overdue, the division is hereby placing you on notice that unless improvements and significant progress is made, you will no longer be able to divert water until all work is deemed complete. We are placing a firm deadline on these requirements to be completed by November 1, 2011, after this time, an Order to Cease Use of Water will be issued. Other conditions as described in the in the attached SEAA 1323 letter still stand.

To reiterate and provide further details on improvements needed:

- 1) A substantial diversion and lockable headgate (screw gate) is required at the point of diversion and at the return to river gate.
- 2) The measuring device needs to be reset and level in all directions.
- 3) Any ditch or river elevation drops from the structures must be reinforced and protected from erosion and head cutting.
- 4) All work is subject to a final inspection for acceptance.

You should contact Jeff Medlin, the Water Commissioner [(435) 648-2899 or (937) 369-8612)] for his concurrence on the planned improvements. I will be in the Long Valley area and available on August 16th 2011, we can meet if you call and make an appointment. In the meantime, if you have questions, I can be reached at (801) 538-7430 or at MikeSilva@utah.gov

Sincerely,

Mike Silva

Distribution Engineer

cc: Distribution File
SEAA 1323
Kurt Vest, Regional Engineer
Jeff Medlin, Gerry Hoyt, Clarence Spencer, Water Commissioners

